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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,941	01/13/2004	Chiu K. Li	UTL 00354	3298

7590 10/16/2006
Kyocera Wireless Corp.
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EXAMINER

RAMAKRISHNAIAH, MELUR

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/756,941

Applicant(s)

LI, CHIU K.

Examiner

Melur Ramakrishnaiah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8-12,14 and 16-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-6, 8-12, 14, 16-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7-28-2006 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4-6, 8, 10-12, 14, 17-19 are rejected under 35 U.S.C 102(b) as being anticipated by Takeshi (JP08-307497).

Regarding claim 1, Takeshi discloses a communication device comprising: housing (Drawing: 1) including a front surface, a first side surface, and a second side surface, the second side surface being situated to opposite the first side surface and being concave to generally follow a contour of users face (see Drawing: 5, paragraphs: 0030, 0031), an antenna (50, Drawing: 1) situated proximate the first side surface, a speaker (70, Drawing: 1) situated proximate the second side surface, and a microphone (60, Drawing: 1) situated proximate the second side surface, a first and second openings defined proximate the second side surface, the speaker (70, Drawing: 1)

situated within the housing to transmit acoustic signals via the first opening, the microphone (60, Drawing: 1) situated within the housing to receive acoustic signals via the second opening, and wherein the second side surface is configured in contact with or proximate a user head (Drawing: 5) and first side is configured to be situated furthest from the user head (Drawings: 1, 5) during communication device use, the second side surface adapted to increase the distance between user head and antenna (50) and reduce electromagnetic interference between user head and the antenna (paragraphs: 0016 – 0025, 0034-0038).

Regarding claims 4-6, Takeshi further teaches the following: a first dimension defines a width of the front surface and second dimension defines a width of the second side surface, the second dimension being less than the first dimension (see Drawings: 1, 5), keypad (22, Drawings: 1, 3) on the front surface, display device (12, Drawing 1) situated in the front surface (paragraphs: 0016 – 0025, 0034-0038).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 9, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeshi in view of Toyoda et al. (US2002/0160725A1, hereinafter Toyoda).

Takeshi differs from claims 3, 9, 16 in that he does not explicitly teach the following: circuit board situated within the housing, the printed circuit board substantially coplanar with the front surface.

However, Toyoda discloses portable telephone which teaches the following: circuit board (3, fig. 1) situated within the housing, the printed circuit board substantially coplanar with the front surface (fig. 1, paragraph: 0049).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Takeshi's system to provide for the following: circuit board situated within the housing, the printed circuit board substantially coplanar with the front surface as this arrangement would provide means to accommodate necessary circuitry for portable telephone as shown by Toyoda, thus providing a compact way to accommodate all circuit components for a portable telephone.

Claim 8 is rejected on the same basis as claim 1.

Claims 10-12 and 17-19 are rejected on the same basis as claims 4-6.

Regarding claim 14, Takeshi further teaches a wireless communication device comprising: housing (Drawing: 1) including a front surface, a first side surface, and a second side surface, the second side surface being situated to opposite the first side surface and being concave to generally follow a contour of users face (see Drawing: 5, paragraphs: 0030, 0031), an antenna (50, Drawing: 1) situated proximate the first side surface, a transceiver (not shown) coupled to the antenna and disposed within the housing, the transceiver configured to transmit and receive an RF signal, a mobile power source (not shown) coupled to the transceiver for supplying power to the

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transceiver, speaker (70, Drawing: 1) situated proximate the second side surface, and a microphone (60, Drawing: 1) situated proximate the second side surface, a first and second openings defined proximate the second side surface, the speaker (70, Drawing: 1) situated within the housing to transmit acoustic signals via the first opening, the microphone (60, Drawing: 1) situated within the housing to receive acoustic signals via the second opening, and wherein the second side surface is configured in contact with or proximate a user head (Drawing: 5) and first side is configured to be situated furthest from the user head (Drawings: 1, 5) during communication device use, the second side surface adapted to increase the distance between user head and antenna (50) and reduce electromagnetic interference between user head and the antenna (paragraphs: 0016 – 0025, 0034-0038).

Response to Arguments

5. Applicant's arguments with respect to claims 1, 3-6, 8-12, 14, 16-19 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Melur Ramakrishnaiah
Primary Examiner
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